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# Global Sustainable Development Governance: Institutional Challenges from a Theoretical Perspective

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**Abstract.** This paper submits that efforts to achieve sustainable development at global level call for, inter alia, institutional reform. It argues that there is no optimal institutional design, and that different schools of thought have different perspectives of the future. It briefly presents the history of institutional evolution in the area of sustainable development up to the latest developments in the context of the UN World Summit on Sustainable Development. This history sets the context for the rest of the discussions. It then presents a taxonomy of the various options suggested in the literature for improving the institutional structure of the United Nations in order to achieve sustainable development. This paper critically examines the feasibility of these options from the perspective of the different schools of thought in international relations theory. It argues that from the point of view of idealistic supranationalists, a hierarchic supranational environment and/or development organisation should be established to integrate and coordinate activities in the UN in order to promote sustainable development governance. It argues that from a realist/neo-realist and neo-liberal institutionalist approach, coordination, whether hierarchical or horizontal, is doomed to failure. From a historical materialist approach all efforts at institutional design are likely to lead to asymmetrical results reflecting global power relations. This paper concludes with a speculative argument that institutional design is not a question of the best architectural option, but calls for multiple pathways including strengthening of individual organisations, promoting the progressive development of the law of sustainable development, developing a high level advisory body to advise the Secretary General, promoting the concept of the decentralised network organisation and possibly finding ways to cluster regimes. The effectiveness of these multiple efforts are dependent on the support of civil society. In order for sustainable development to take the key concerns of developing countries into account, it is necessary that institutions are able to represent the variety of views of their members and that countries develop good policies domestically.

**Key words:** environment, governance, neo-liberal institutionalism, realism, sustainable development.

**Abbreviations:** CSD – Commission for Sustainable Development; ECOSOC – Economic and Social Council; GATT – General Agreement on Tariffs and Trade; ILO – International Labour Organisation; IMF – International Monetary Fund; UN – United Nations; UNCED – United Nations Conference on Environment and Development; UNDP – United Nations Development Programme; UNEP – United Nations Environment Programme; WEDO – World Environment Development Organisation; WHO

– World Health Organisation; WSSD – World Summit on Sustainable Development; WTO – World Trade Organisation

## 1. Introduction

While global wealth has increased, the environmental situation world-wide is steadily deteriorating (Malmö Ministerial Declaration 2000)<sup>1</sup> and global poverty has increased.<sup>2</sup> With globalisation, the dominant liberal ideology and its free-market philosophy is being promoted through the various forces of globalisation and, on the other hand, there is a reaction from global civil society to this ideology, manifest in street protests outside major international conferences, which does not see the liberal framework as addressing the key challenges facing the global community.<sup>3</sup> These developments are taking place as part of the *autonomous* globalisation processes that are affecting the international community today. These processes are inescapable, pervasive, multifaceted and interacting leading to economic integration, rapid technological progress, the emergence of the knowledge economy, improvement of logistic and transport systems, and changes in demographic trends and business strategies.<sup>4</sup> But the globalisation processes are also perceived as leading to social and environmental marginalisation, increasing the gap between rich and poor, between information and technology rich and poor countries and social groups.<sup>5</sup> In order to control and steer these processes in the direction of sustainable development, there are some attempts to *manage* or *govern* globalisation. This formal process itself can be divided into the official governance trends within interstate forums subject to the rules of public international law, the unofficial governance trends within the private (e.g. the Sullivan Principles<sup>6</sup>) and civil sector domain (e.g. the Earth Charter<sup>7</sup>) and hybrid governance trends (e.g. the Type-II agreements being discussed within the context of the World Summit on Sustainable Development<sup>8</sup>).

In an attempt to address the key global issues of the 21st century and to reconcile the conflicting views through the development of common values and a framework for action, the global community has been preparing for the World Summit on Sustainable Development which took place in August-September 2002.<sup>9</sup> In this context, it would be highly topical and relevant to analyse the opportunities for designing institutions<sup>10</sup> and in particular organisations to deal with the challenge of sustainable development.

Sustainable development, whether merely a concept or a legal principle,<sup>11</sup> incorporates two ideas, to meet the needs of present generations and the protection of the resource base for future generations and the integration of social, economic and environmental aspects in the developmental process.<sup>12</sup> It grew out of the realisation that resource depletion and environmental degradation could undermine the economy and hence it was vital to address these problems. It inspired the development of the so-called environmental Kuznets curve which predicts that as

societies become richer, the pollution per unit of production will decrease, and thus promises the possibility of sustained growth.<sup>13</sup> Sustainable development governance<sup>14</sup> refers to the interactive network of regimes at international level that try and integrate the various elements of sustainable development. While the concept of sustainable development holds promise and is seen as a necessity, there are major challenges in its implementation. While technological optimists hope that this goal can be achieved by stimulating technological development, there is growing evidence to show that the environment Kuznets curve may be a myth especially in relation to global environmental problems.<sup>15</sup> The concept is also held to have given the existing development paradigm a new lease of life,<sup>16</sup> but having failed to achieve more than that in terms of operational definition<sup>17</sup> and in terms of reconciling development goals with environmental goals. Nevertheless, sustainable development is the term of choice for the global community. The sustainable development concept has been embraced by civil society and international environmental governance regimes.<sup>18</sup> It has been reaffirmed by the World Summit on Sustainable Development.

At the same time, the autonomous globalisation process is fuelled by the ideals of liberal democracy and the free market. Is there a dichotomy between the ideals promoted by the dominant forces of spontaneous globalisation and managed sustainable development globalisation? On the basis of a theoretical analysis, Duncan French argues that it is wrong to dichotomise the two, and instead sustainable development and globalisation must be seen as the two sides of the same coin because both discourses focus on the same issues although from different perspectives. "Or to put it slightly differently, whilst globalisation presents the international order with a new future, sustainable development tempers this with a realism of past experience".<sup>19</sup> Sustainable development calls for integration of social, economic and environmental goals and institutions, and hence a policy framework within which the forces of globalisation can run their course; "because without well-defined rules and expectations most countries are incapable of unilaterally protecting themselves from transboundary and global environmental risks".<sup>20</sup>

Against this background, the research question is: What are the different possible institutional structures for 'managing' problems facing international society against the background of the spontaneous and autonomous globalisation processes? What kind of sustainable development governance is needed and what is feasible?

In order to address the research question, this paper first presents a theoretical framework (see section 2). It then presents a history of the international environmental governance system in order to be able to ensure that the analysis is based on past experience (see section 3). It presents the choices for organisational reform that are presently being discussed in the literature and policy process (see section 4). Section 5 analyses the choices in terms of the different schools of thought. Section 6 then draws some conclusions.

## 2. A Theoretical Framework

Is there an optimal institutional framework for managing global environmental problems? International relations and law scholars will argue that the answer depends on the perspective.

The realists and neo-realists<sup>21</sup> see global relationships in terms of power politics. States are individual homogenous actors that will promote their domestic interests in a utilitarian and rational<sup>22</sup> manner in the international arena. It is not in their interest to share or give power to international organisations to undertake policies and develop laws that could then be imposed on them. A strong state is necessary to enhance the prospects of survival in the context of international anarchy. From their perspective, any process to consolidate power at the international level in an international organisation is unacceptable.<sup>23</sup> To the extent that such organisations are established, this is because of the use of the hegemonic power of a state to steer international discussions in this direction.<sup>24</sup> Legal positivists share in common with realists that they look at the world as it is; but while positivists focus exclusively on the state and status of international law, realists look at the power struggle between states.<sup>25</sup>

Those who subscribe to the historical materialism school would argue that power is asymmetrical in the international arena and that those with power use the power to develop institutions that promote their interests.<sup>26</sup>

Neo-liberal institutionalists<sup>27</sup> are likely to argue that even though power politics implies that cooperation in the area of environmental issues is likely to be minimal, there is cooperation. This can only be explained by realising that in specific issue areas power configurations differ from the general global power configurations and in such limited areas, cooperation can become institutionalised. Functionalists among the neo-liberal institutionalists argue that international organisations have considerable power and the ability to mobilise policymaking in particular directions and neo-functionalists see that power is also vested in international labour movements, political parties, trade associations and supranational bureaucracies. The interdependence school focuses on the role of the civil society, multinationals and transnational coalitions. In this world-view the state is not a unitary actor and there are several domestic actors that are also susceptible to influence from outside. States are more likely to see other states as partners than as enemies. Institutionalists believe that the major purpose of institutions is to help in solving common problems.

Idealistic supranationalists would, however, argue that in order to deal with global environmental and developmental problems, a body high up in the UN hierarchy needs to be established, which also has a mandate and independent funds to deal with the coordination and centralisation of environmental and developmental problems within the United Nations. Idealistic supranationalist approaches possibly have some parallels with the policy-oriented school of international law which tries to push forward the notion of a minimum public world order and the

goals of the community.<sup>28</sup> Possibly there are also links with post World War I idealism which eventually led to the establishment of the United Nations system.

Social constructivists<sup>29</sup> study human consciousness and its influence on policy making. They argue that interaction, communication and discourse are important elements in influencing the determination of international policy. Such communicative processes influence the determination of national interests by creating a shared understanding and structures that can both constrain and enable choices.<sup>30</sup> Cognitive approaches are likely to argue that non-state actors are likely to have a major influence on the international policy making processes.

Table I presents some of the key features of the different schools of thought and speculates on the future of institutional reform from the different schools of thought. Before delving into an analysis of the reform of environmental and developmental institutions, this paper first tries to present a concise history of environmental and developmental governance in the UN system. The purpose of doing so, is to ensure that lessons learnt from the past can be integrated into the analysis of the future.

### **3. History of Global Governance**

Sustainable development, as highlighted above, focuses on the integration of developmental (economic), social and environmental governance issues. It would not be out of place here to highlight some of the key issues in the evolution of these three elements of governance. I will, however, place maximum emphasis on the evolution of the environmental governance process because the sustainable development discourse has been inspired by the environmental crises.

Economic governance can be traced back to 1945, to the aims of the UN Charter to promote economic prosperity<sup>31</sup> and to the establishment of the Bretton Woods Institutions. The World Bank's express purpose was to lend capital to promote development and alleviate poverty. The Bank has promoted large developmental and infrastructural projects in developing countries. The General Agreement on Tariffs and Trade (GATT) promoted global prosperity through free-market trade and the activities of GATT have now been taken over by the World Trade Organization. At the same time, the United Nations Development Programme (UNDP) was supporting technical assistance programmes to developing countries. UNDP was also funnelling resources to the other UN agencies such as the Food and Agricultural Organisation and the World Health Organisation when they functioned as executing agencies for projects and programmes. Although in 1947, an attempt was made to consolidate the link between the Bretton Woods organisations and the UN, this link only provided a very special status to these former organisations. In the 80's when developing countries found themselves in debt with associated social costs they needed more technical assistance from UNDP; but around the same time, donor governments began to reduce their support for UNDP in favour of the Bank which has to be repaid by the countries that borrow

Table I. Perspectives from different schools of thought

Approach	General elements	Prediction in terms institutional reform
Realism/Neo-realism	The state is the key actor in international relations. States determine and defend their national interests. Powerful countries influence the course of international policymaking.	States are not likely to support the strengthening of international organisations. They see international rules as ephemeral and unlikely to have an independent impact on states.
Historical materialism	The differences in the power structures between countries influences the asymmetry of the outcomes of international negotiations and rich countries use the international system to promote their interests, if necessary at the cost of the poor countries.	To the extent that international organisations will be supported, these organisations will promote asymmetrical policies. Colonial trends will be followed by post-colonial trends.
Neo-liberal institutionalism	The state is an important actor, but there are other important actors at the international level. There are prospects for international cooperation. This depends on the configuration of issue-specific interests and power and over time cooperation will be institutionalised.	Issue specific power and interests will differ from general power structures and may facilitate successful cooperation especially in benign issue areas. Institutional reform will thus remain fragmented and some institutions will be strengthened.
Idealistic supranationalists	This approach examines the problem and then on the basis of an analysis of the problem makes recommendations regarding how international society should be governed.	There should be coordination and control if the global community is to achieve sustainable development; there have been precedents in other fields to show that nations can rise above short term rational interests.
Cognitive approaches	Non-state actors have a major role in influencing state policy and international decisions.	International policymaking needs to make room for non-state actors to play a role in influencing outcomes.

from it.<sup>32</sup> Since 1968, UNDP's share of development money fell from 65% to 25% despite its extensive network and its achievements.<sup>33</sup> This implied support from donor countries for liberal ideological themes such as market based management and the structural adjustment programme of the International Monetary Fund. UNDP then found itself coping with the social consequences of the policies promoted by the Bretton Woods institutions without the resources. The Bank's development policy has supported the structural adjustment programmes of the International Monetary Fund. It has promoted liberal ideals, and has tended to be a trend follower in terms of development strategies; focusing on reforming domestic policies in developing countries to the exclusion of what is happening at international level and had a very high project failure rate (37.5% in projects till 1991).<sup>34</sup> And yet as Agarwal et al. point out – poverty is good business for the Bank, and for every \$ the US puts into the system, US companies receive \$1.10 in business.<sup>35</sup> Other share holders also get good returns.<sup>36</sup> In the meanwhile Bank projects were also having environmental impacts.<sup>37</sup> The Bank has tried to integrate environmental aspects since then in its programmes,<sup>38</sup> but there is fear that this is merely green rhetoric. The International Monetary Fund whose objective was to promote monetary stability has promoted programmes, some of which may have undermined the development work of the UN agencies.<sup>39</sup>

Dadzie<sup>40</sup> clusters the above development experience into four phases (1945–63; 63–82; 82–91; and thereafter). Between 1945–63, the UN agencies promoted development planning and it was expected that developing countries would catch up with the North. While the Bretton Woods institutions promoted market economics, the UN agencies were somewhat more moderate. In the period 1964 to 82, developing countries argued that development was not something purely domestic, but that the domestic issues were closely related to the unfair economic framework at international level. This corresponded to the period of increasing debt and monetary conditionalities imposed by the IMF. The developing countries argued in favour of the New International Economic Order (NIEO) leading to the development of a rudimentary law of development.<sup>41</sup> In the next decade the elements of the NIEO disappeared from the international discussions, developing countries were crippled by debt, while environmental issues began to move centre stage in international discussions. Because environmental problems were seen to also be caused by poverty and impacted on poverty, development issues re-entered the international agenda with the preparations for the United Nations Conference on Environment and Development.

It would possibly not be out of place to mention here that in 1961 the Organisation for Economic Co-operation and Development (OECD) was established. The members of this organisation consisted primarily of countries that are now part of the developed world. The purpose of this body was to promote strong economies in its member states through the improvement of efficiency, markets, expansion of free trade and development in the developed countries. The OECD also has the mandate to develop recommendations and policies that are



applicable to its member states. The OECD is seen as the think tank of the rich world. It is not a part of the UN system, and forms a successful forum for discussion over sustainable development for the developed countries.

In the meanwhile various Human Rights Declarations and the establishment of related institutions had actively promoted the human rights agenda.<sup>42</sup> Social governance was promoted within the UN through the establishment of organisations focused on health, food, labour, women, population and education. In the last decades, there have also been several landmark conferences in relation to various developmental issues. These include those on food in 1974 and 2001, water in 1977, 1992 and 2000, population in 1974, 1984 and 1994, women in 1975, 1985 and 1995, on settlements in 1978 and 1996. And yet, global poverty remains a major issue in international society.

Soroos<sup>43</sup> (1999) divides the history of environmental organisations into three periods: the pre Stockholm era till 1968; the pre Rio period till the publication of the Brundtland Report in 1987 and the Rio de Janeiro era starting in 1992. In 1972, following the United Nations Conference on the Human Environment, the United Nations Environment Programme was established. It had a limited mandate to catalyse and coordinate policies and has over the years established some successful databases,<sup>44</sup> and has promoted the progressive development of international environmental law in the areas of marine pollution, depletion of the ozone layer and the transboundary movement of hazardous wastes leading to the adoption of several new conventions under the auspices of UNEP. In promoting the negotiations of various treaties, UNEP, ironically marginalized itself. This is because many of the treaties developed independent secretariats based all over the world ranging from Australia to Canada and began to lead lives of their own, which functionalists could have easily predicted. UNEP's concern for linking environmental and developmental issues made it an organisation that was put under pressure for a long time by the developed countries<sup>45</sup> and its budget has decreased since 1992. It was not put in charge of implementing the work set out by Agenda 21 and in 1997, the US, UK and Spain demanded organisational reform.

The development agenda of the Bretton Woods institutions have had a major influence on developing countries. The human rights (political) regime has increasingly become stronger. The growing legal framework of environmental legislations has led to a patchwork of institutions dealing with these issues. However, the development agenda as the developing countries saw it was aborted leading to an un-influential law of development, which today is seen as the neglected dimension of international law and of sustainable development law.<sup>46</sup> In 2000, at the first ever Global Summit of the Group of Developing Countries, they argued that: "While recognising the value of the environmental protection, labour standards, intellectual property protection, indigenous innovation and local community, sound macroeconomic management and promotion and protection of all universally recognised human rights and fundamental freedoms, including the right to development, and the treatment of each issue in its competent international organ-

isation, we reject all attempts to use these issues, as conditionalities for restricting market access or aid and technology flows to developing countries.” They advocated “a solution for the serious global, regional and local environmental problems facing humanity, based on the recognition of the North’s ecological debt and the principle of common but differentiated responsibilities of the developed and developing countries”. Table II attempts to present the phases in sustainable development governance in the UN system.

The developments at the international arena led to a proliferation of organisations and treaty regimes. The problem with all these organisations and regimes were their individual narrow and fragmented mandates and small budgets,<sup>47</sup> the poor coordination mechanisms,<sup>48</sup> lack of leadership,<sup>49</sup> the promotion of the status quo and incremental decisions since this is less risky<sup>50</sup> and lack of financial independence.<sup>51</sup> Recognition of these problems, led to the call for the combined environment and development agenda. In the meanwhile in 1987, the Brundtland Commission on Sustainable Development’s Report was published making the concept of sustainable development a central one in international discussions. In 1992, twenty years after Stockholm, the United Nations Conference on Environment and Development was held and adopted two conventions, a declaration and Agenda 21. As a result of the discussions on institutional reform, in 1992 the UN Commission for Sustainable Development was set up in New York under ECOSOC to oversee the implementation of Agenda 21. It has, however, limited powers and resources and serves mostly as a forum for dialogue and to make recommendations to the General Assembly.<sup>52</sup> The Department for Policy Coordination and Sustainable Development was established in 1993 to coordinate the work on development, social and environmental issues undertaken in the UN and act as a technical secretariat to the CSD, among others. A high level Advisory Board on Sustainable Development set up in 1993 was disbanded in 1997. In 1997, the United Nations General Assembly Special Session to Review Implementation of Agenda 21 reviewed the actions undertaken and concluded that nations needed to, inter alia, integrate economic social and environmental objectives in national policy, improve conditions in key sectors and reaffirm the goal of official development assistance.

In 2001, the First Global Ministerial Environmental Forum was held in response to United Nations General Assembly Resolution 53/242 of 28 July 1999 in Malmö, Sweden.<sup>53</sup> It concluded that despite all the action taken, the global environment continued to “deteriorate at an alarming rate”. It also stated that it was “*Conscious* that the root causes of global environmental degradation are embedded in social and economic problems such as pervasive poverty, unsustainable production and consumption patterns, inequity in distribution of wealth, and the debt burden.”

In March 2002, at the first Conference on Finance and Development – the UN Conference on Financing for Development held in Monterrey – it was decided that: “Our goal is to eradicate poverty, achieve sustained economic growth and promote sustainable development as we advance to a fully inclusive and equi-

Table II. Phases in sustainable development governance

	Social phases	Development phases	Environmental phases
1945–1970	Human rights declarations adopted; Labour organisation promotes labour rights; etc.	Promotion of development planning philosophies: two strands – UN and Bretton Woods	Not much attention to environment
1970–1980	Promotion of conference diplomacy, routine implementation by UN agencies of UN policies within limited resources; Increasing jurisprudence on human rights	Developing country response – NIEO – emergence of a rudimentary law of development; The OECD established in the developed world.	Increased attention to environmental issues; many environmental agreements negotiated; a very clear law of environmental protection emerges; organisations and regimes are set up to promote environmental issues; developing countries fear green conditionalities will prevent their development.
1980–1992		NIEO disappeared from agenda; growing developing country debt; Bretton Woods institutions imposed structural adjustment programmes; large infrastructural and development projects financed; UNDP and UN agencies struggle to provide support. The OECD promotes development policies in developed countries.	
1992–2002	Social agenda pushed through Conference Diplomacy, unclear impacts.	Attempt to merge environmental and developmental agenda. Some greening of Bretton Woods institutions; developing countries push development agenda; developed countries push environmental agenda, establishment of the CSD and promotion of institutional reform.	
2002 and beyond	Sustainable development governance?		

table global economic system.” It was stressed in this context that the developed countries should make 0.7% of GNP available for ODA and 0.15–0.20% for help to least developed countries.<sup>54</sup> The EU declared that it would try and achieve an average of 0.39% ODA target by 2006 and this would imply an additional 7 billion USD; and states that the EU contributes half the ODA world wide today. It also agreed to untie aid to least developed countries.<sup>55</sup> The US too agreed to increase development aid by 50% of current levels amounting to about 5 billion dollars in the next three years.<sup>56</sup>

The above history shows that the UN system has developed over time and responded to different problems. At the same time, some institutions are more powerful than others; and the Bretton Woods institutions have had a strong impact; while the rest of the UN institutions have been influential but have had a lesser impact. There has also been competition between the various UN bodies for resources, power and mandate. Over time some organisations have become weaker, others stronger. It is however not necessarily so that the organisations that were performing poorly have become weaker. The literature shows that the organisations that have pushed developing country perspectives have become weaker over time and those that have pushed developed country ideologies and perspectives have become stronger over time.<sup>57</sup> The fragmentation and compartmentalisation of existing environmental and developmental governance makes Khosla ask: “If our decisions are going to be made in the conventional, one dimensional way, how can we hope to better a world that is entirely made up of complex linkages?”<sup>58</sup> The question now is how should systems of governance further develop?

What is becoming clear is that all the different actors on the global stage want to be part of the solution to the environmental and developmental crises. The World Bank initiated talks in 1990 on environmental financing and was instrumental in ensuring that the Global Environment Facility<sup>59</sup> was located at Bank premises and this was established in collaboration with UNDP and UNEP. UNEP also presents itself as the key body to coordinate and lead environmental work in the UN system (see the Governing Council 2001 Decision 21/21 on International Environmental Governance). The willingness in itself is a positive sign. However, the problem is they want to solve problems from their own perspective and not necessarily on the basis of a new shared vision of the problem and its solution.

The above history also shows that the UN is an extremely large body with a number of organs, organisations and programmes all of which have, in one way or other, something to do with developmental or environmental issues. This calls for coordination of these activities in order to improve the quality of the outputs. Yet, history shows that attempts to coordinate UN activities have not always been successful. The precedent in the UN system is the Administrative Committee on Coordination (ACC), which is chaired by the Secretary General. However, as mentioned earlier, the UN is not a hierarchical, close-knit system. This means that the different UN bodies see themselves as sovereign and not as part of a total system and the ACC has only been able to play a very limited role in

coordinating activities of the Governments.<sup>60</sup> Another precedent is the Department for Policy Co-ordination and Sustainable Development (DPCSD) which was established to synthesise global information from DESIPA and other UN bodies, to develop policy analyses and proposals on issues ranging from poverty, food security, women, social development, science and technology, natural resources, energy, financial flows and assistance, and the monitoring the implementation of Agenda 21. However, the body had limited resources and impact.

The above history also shows that North-South issues are critical in the environment and development debate and that there are very strong cleavages between the way problems are perceived in the North and in the South. In recent years, international conferences are increasingly being used as a tool for promoting global dialogue and global policymaking. How successful is such a tool? Fomerand, Gallarotti, Barnetti and Finnemore<sup>61</sup> are very sceptical about the usefulness of such conferences arguing that they are merely temporary media events and do not have significant effects. Haas,<sup>62</sup> on the other hand, argues that such UN Conferences contribute to the sustainable development governance process by establishing and reinforcing themes such as socialisation, education, persuasion, discourse, dialogue and norm inculcation. These Conferences mobilise people and states into participating in issue of international concern. Haas, believes that the functions of Conference Diplomacy include agenda setting, popularising issues and raising consciousness, generating new information and new challenges for governments, providing general alerts and warning of new threats, galvanising administrative reform, adopting new norms and doctrinal consensus and promoting mass involvement in issues. He argues that with the current approach of the United States there is possibly little likelihood of any major substantive policy emerging from WSSD, but feels that there may be scope for institutional reform. Most international lawyers would also argue that these conferences develop soft law norms that become over time acceptable to a larger group of nations and evolve into hard law norms.

#### 4. The Choices

Let us now turn to the various options in the literature in relation to the issue of institutional design on sustainable development. There are several different proposals to reform governance at UN level and I have clustered the different options as follows:<sup>63</sup>

- Hierarchical Integrated model: One option is to develop a World Sustainable Development Organisation. The features of such a body would be that it would be high up in the UN hierarchy, modelled possibly after the UN Security Council, and inspired by the Hague Declaration,<sup>64</sup> that it would potentially limit national sovereignty by calling on states to observe a higher degree of responsibility to other states, and that it could make and promote policy and

steer the other UN agencies to promote sustainable development. Such a body could have the power to impose sanctions on states that do not comply.

- Hierarchical single issue model: Less ambitious is the option to develop a single focus body that promotes global environmental and not local environmental issues in all UN bodies without the risk of being ignored. The Environment Security Council is such a proposal.<sup>65</sup>
- Non-hierarchical focal point: A third option is to develop a World Environment and Development Organisation (WEDO) that fits within the current UN structure.<sup>66</sup> A variant would be to focus on a Global or World Environment Organisation,<sup>67</sup> since in the aftermath of the UNCED negotiations, many felt that environmental and developmental issues cannot be reconciled in one body. This is seen as necessary by some to counter balance the power and structure of the WTO. Such a centralisation model would be inspired by the structure of the WTO, and call for the development of an institutional centre to promote sustainable development and would possibly lead to the dissolution and/or unification of UN bodies (such as UNEP, CSD and GEF), integrating convention secretariats and redefining the functions of the rest of the UN agencies. Such a WEDO could absorb existing UN developmental and environmental organisations (such as UNDP). A WEDO would foster sustainable development, but would not run counter to development and poverty alleviation programmes and this would make it more acceptable to the South.<sup>68</sup>
- Advisory body: Another option is to develop a high level advisory body that can advise the Secretary General about the critical links between different organisations and the Secretary General would use his or her discretion in pursuing these links.
- Organisational strengthening: A fifth option is to strengthen the individual UN agencies and try to make them the locus point of all activities that occur in their specific field. In the Nairobi Declaration, the heads of delegation attending the meeting declared: "That the role of the United Nations Environment Programme is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment". Upgrading UNEP in this context would mean that UNEP could have a norm-building and law negotiating mandate similar to that of WHO and ILO, its own budget and legal personality. Gus Speth too has proposed that UNDP become the central organ for development work in the UN. The Commission for Sustainable Development also seeks support to strengthen itself and has been partly successful in its efforts since the WSSD has continued support for it.
- Coordination through common principles – The Law of Sustainable Development: As far back as in 1989 participating heads of states agreed that vital, urgent and global problems call for the "development of new principles

of international law including new and more effective decision-making and enforcement mechanisms".<sup>69</sup> The idea is that sustainable development governance can be promoted by the adoption of principles which are then to be applied in every governance context. The Rio Principles on Environment and Development could serve as a reference point.<sup>70</sup> The principles of the Law of Sustainable Development as adopted by the International Law Association could serve as an alternative reference point.<sup>71</sup> A third choice could be the Earth Charter which is being actively promoted by civil society<sup>72</sup> This would lead to the 'greening' of various Institutions.<sup>73</sup>

- Coordination through clustering: Another way to facilitate coordination, is to cluster regimes into different groups. Oberthür (this issue) explains the opportunities and challenges in the different options for clustering environmental treaties in order to optimise the impacts.
- Decentralised network organisation: The proponents of this model favour a decentralised, lean organisational structure that functions through networking systems.<sup>74</sup> Policy network theory stresses that there are networks across different countries in specific policy areas in both the government and the non-governmental sectors.<sup>75</sup> Governance in specific issue areas occurs through the interactions between these networks and not necessarily through a hierarchic process within individual countries or at the international level.

Table III presents the various options for institutional reform of the UN system. While there are different routes for interstate cooperation in establishing a governance system, there is increasing realisation that non-state actors may be more powerful than state actors<sup>76</sup> and may be establishing their own systems of market governance possibly under, but not necessarily limited to the auspices of the WTO and the Bilateral Investment Treaties. In a desperate effort at retaining control, new forms of corporatisation are being developed between states and private actors.<sup>77</sup> These include the Global Compact of the Secretary General and Type II agreements being promoted in the context of the WSSD.<sup>78</sup> The Global Compact is a collaboration between the UN, civil society and business, was proposed in 1999, and launched in 2000 with the UN High Commissioner for Human Rights, the Director of the International Labour Organisation, the executive director of UNEP, and among others the Chief Executive Officer of the BP-Amoco. These latter options possibly fall into the spectrum of activities ranging from hierarchical and egalitarian solidarity to market solidarity depending on whether the UN is perceived as an interstate or a transnational actor.<sup>79</sup>

## 5. Analysis

Having clustered the options, let us now examine the feasibility of the different proposals for institutional reform from the perspectives of the different international relations theories. The hierarchical integrated model is possibly seen as

Table III. Options for institutional design

Type	Possible Names	Features
Hierarchical, integrated	World Sustainable Development Organisation; World Federalism	Above other UN organisations with powers to steer and force compliance in the areas of environmental and developmental issues; possibly even social issues such as human rights
Hierarchical, single issue	Global Environment Organisation	Above other UN organisations with powers to steer and force compliance in the areas of environmental issues
High Level Advisory Group	High Level Advisory Group	A group that examines the relationships between organisations and treaties and makes advisory recommendations to the Secretary General
Non-hierarchical focal point	World Environment and Development Organisation; World Environment Organisation	Non-hierarchical organisation which attempts at centralising decisions in relation to environment (and development)
Strengthening organisations	UNDP, UNEP, CSD, etc.	Strengthening the resource base and financial independence of the organisations so that they can execute their mandate
Promoting coordination through common principles	The Law of Sustainable Development	Promoting global principles that are to be adopted in negotiations in different issue areas
Regime clustering		Promoting the clustering of environmental regimes on the basis of organisational aspects and functional elements
Decentralised network organisations		A process in which policymakers in different sectors and countries network with each other to develop policies; such policies are not necessarily the result of bottom-up or top-down decision making processes.



attractive from a idealistic supranationalist perspective. If one wishes to promote sustainable development at global level, then one needs an organisation that can set out the general rules and principles that the rest of the UN system then aims to achieve. This is expected to guarantee consistency between the systems, reduce costs of duplicative and contradictory efforts in different related regimes. This could be a very efficient way to achieve the results the global community is apparently committed to. Such an organisation could also be in a position to observe the spontaneous globalisation trends and to establish boundary conditions to ensure that such trends are consistent with the global goal of sustainable development and in line with a global constitution.<sup>80</sup> To the extent that the conceptual framework of such a system matches the common aims and perceptions of civil society, cognitive approaches would argue that civil society will support such an organisational development. Neo-institutionalists, historical materialists and neo-realists are likely to argue that such an organisation is extremely unlikely although their reasoning would be quite different. While neo-realists would argue that the powerful and the less powerful states are unlikely to sacrifice their individual powers to an intergovernmental organisation, historical materialists would possibly argue that if such an organisation were developed the interests it would represent would be skewed in favour of the powerful countries and that, hence, it would not serve the goals of sustainable development as defined democratically. Neo-institutionalists, especially regime analysts, would argue that by linking all the different issues and problems together, the power configurations would become similar to those in the general international relations sphere and hence, cooperation at this level would be impossible and any effort at creating space for ingenious problem solving would be lost. Inevitably, the creation of such a hierarchical body would also imply that the existing relationships between the different UN bodies would have to be changed, and most UN bodies would resist such a move. This would also imply the amalgamation of various UN agencies, and this would possibly be resisted by the separate agencies. The support for such an organisation would thus rest on the intellectuals who subscribe to the hierarchical view of solidarity as the only way to address global environmental and social problems and civil society to the extent it can unite behind such an effort.

The same arguments as made above would hold in the case of single issue hierarchical models, except that the power configurations in relation to environmental issues, will be possibly different from environmental and developmental issues and to that extent neo-liberal institutionalists could possibly find political space for such an option. Developing countries would possibly resist such an option because environment would be prioritised over development issues and trade issues as they see it, and because of the possible threat of a growth cap on their development process.<sup>81</sup> On the other hand, consolidating environmental issues in one body could have some advantages for developing countries, for as Bierman<sup>82</sup> argues, they can organize themselves better if there is only one forum for negotiating these issues; and a single forum is in a better position for promoting the

re-distribution of wealth to developing countries. At the same time, it is also easy to argue that in such a consolidated context, the developed countries would also be better organised and whether there would be any net benefits for developing countries remains to be seen.

The non-hierarchical strengthened environmental focal point addresses the key issue of not antagonising the other UN organisations within the UN hierarchy. It is thus a compromise position aiming at strengthening the centralisation of issues, while not treading on the toes of other major UN and related organisations, their personnel, and their members. To the extent that such a body subsumes a group of UN organisations, it will create tensions between these bodies. While idealistic supranationalists are likely to argue that there are many benefits in an organisation which attempts at making serious links between environment and development issues, and civil society may well be tempted to support such an organisation, neo-realists are likely to argue that it is likely to fail, reflecting on the inability of the Rio Conference to match the two agendas. Historical materialists are also possibly likely to argue that such a venture is doomed to failure given that both developmental and environmental issues are seen so differently by developed and developing countries. Neo-institutionalists are only likely to support such a process if they see it as distinct in content than all global issues put together. But as argued earlier, given the limited ability of UN coordination bodies to coordinate other 'sovereign' UN bodies, this is also likely to have a limited effect in terms of coordination, but may achieve some results.

A high-level advisory body is, in comparison, innocuous. It does not tread on the toes of the existing UN bodies. It does not require much funding and could be fairly independent of support from the major powerful countries who may choose to oppose it. It could be more flexible and more effective in that it does not aim at coordination and control of all critical issues, but instead it focuses on making critical communication links between the various UN agencies and their activities and thereby may be in time to avoid or signal any major counter productive or contradictory regime developments. It essentially advises the Secretary General's office.

The goal of strengthening individual organisations and regimes and then letting them compete with each other may be very consistent with free-market liberal perspectives and would fit in very well with the individual agendas of the different UN agencies. Regime analysts would argue that regimes that succeed to depoliticise issues and to cast them in terms of technological and economic terms are more likely to address problems and, hence, they would argue in favour of identifying the easy issue areas, defining solutions for these, postponing the more difficult issues and problems for when the time is ripe, focusing on incremental steps and avoiding structural change.<sup>83</sup> This would fit well with realist and neo-realist perspectives, because states could pick and choose the organisations that they support with financial and material support. Neo-liberal institutionalists would also support such a process. In the final analysis if civil society is not so united

behind its common platform as they appear to be, then it is more than likely that it too will not be averse to such a model. Possibly it is the idealistic supranationalists who would be discontent with such a model, because this would essentially confirm the business-as-usual nature of international relations and this would lead to fragmented policymaking on environmental and developmental issues.

The promotion of common ideas on sustainable development would possibly be seen as laudable across the spectrum of political thought, though neo-realists, and neo-institutionalists would possibly see such principles as generally irrelevant, and nevertheless be averse to the acceptance of such ideas as open-ended principles of international law.<sup>84</sup> Many would also feel comfortable that the gap between the inclusion of such principles in international law documents and state practice would imply that such principles would never enter the domain of customary international law and would draw comfort from that. However, should such principles through juridical interpretation and state practice enter the realm of customary international law, they could be far more influential in promoting sustainable development in the long-term at least from the perspective of international lawyers. But, even beyond such a positivist approach to international law, one can argue that the developments of such principles at international level will constrain and enable the choices made by countries. These principles will gradually form the basis of shared understanding and if they are reasonable, compatible with other principles and predictable will lead to adherence by states and may lead to an increased compliance pull.<sup>85</sup> These principles will increasingly influence the determination of national interests and may even alter the incentives for domestic actors and thereby influence the way a state participates in international agreements. "Interpretive communities, in this view, constrain subjective interpretations, promote habitual compliance and improve the reputational costs on violators of norms, as interpreted by these communities".<sup>86</sup> Such principles could also serve to improve the 'contractual basis' of international problem solving.<sup>87</sup> Professor D'Amato however argues that while in tribal society social disapproval may work, in the international arena, physical sanctions may be needed.<sup>88</sup> This warning is possibly all the more relevant in the light of US reluctance to participate in several international agreements.

Regime clustering aims at meeting some of the concerns of the neo-realists and neo-institutionalists. It is less threatening to the established organisations of the UN and may offer some opportunities to increase the scope of action for the individual regimes by pooling them together. But it is not an easy prescription, and as the analysis of Oberthür (this issue) shows the expected efficiency gains may be marginal and may come at the cost of dysfunctionality. Regime clustering is hardly likely to satisfy the idealistic supranationalists or the historical materialists.

The concept of decentralised networks appears to be compatible with the various schools of thought though it would be seen as inadequate by the idealist supra-

nationalist. However, this concept is cheap and is possibly the most viable of all the options and very dependent on the motivation of the organisations to make a difference.

Before going ahead let us return briefly to the hierarchical model. What becomes clear is that for most of the different schools of thought power structures influence global policy making and there is space to make policies when issues are divided and sub-divided; and when the 'easy' issues are addressed first and there is a focus on incremental progress. The problem is that this incremental process keeps the status quo intact between countries by not disturbing or upsetting the concerns of the major powers coupled with an accommodation strategy to pacify the South through policy rhetoric. The strategy does not appear to be very effective in either addressing environmental or social problems.<sup>89</sup> Which is possibly why French argues that for sustainable development and global governance to be linked, states must remain the key actor in global governance, and international organisations need to reflect the diversity of the views of the member states, provide a forum for brokering deals between these organisations, accommodate the positions of civil society and seek greater synergies with each other.<sup>90</sup>

Decentralised network organisations, Type-II agreements and the Global Compact are responses to the realisation of the inability of the global interstate governance system to control the spontaneous globalisation processes and the need for interstate organisations to work diplomatically and through networking channels to influence these spontaneous globalisation processes for the common good. Such approaches do not call for major structural change in the organisational structure and could easily appease neo-realists, neo-liberals and possibly historical materialists, but would not necessarily guarantee the framework conditions within which sustainable development could become a reality. On the other hand, by building on the forces that support sustainable development in civil society and simultaneously not wasting energy by entering into the turf battles of the United Nations, possibly the UN hopes to capitalise on its character as a transnational institute, while not losing its role as an interstate institute. In fact, Cronin argues that as the UN steps into domains that are transnational in character and therefore do not directly concern states, it takes on new work and also develops new relationships with transnational actors.<sup>91</sup> The venture is not any less risky for the new collaboration while possibly leading to good results does not have the institutional characteristics that guarantee accountability, legitimacy and democratic values.<sup>92</sup> Table IV attempts to sum up the predictions on institutional reform from the different schools of thought.

The different schools of thought differ in their view regarding the process of institutional reform at global level. Before going ahead, it may be useful to reflect a little on the issue of the declining power of states. Neo-realists argue that with the spread of liberal and free-market ideology and the processes of globalisation, the power of the state is likely to decline. By extending this argument further, one may argue that if globalisation is indeed accompanied by the declining

Table IV. Predictions on institutional reform from different schools of thought

Neo-realism	Historical materialism	Neo-institutionalism	Idealistic supranationalists	
Hierarchy – integrated WSDO	Impossible, because states do not wish to lose control	If achieved, against the interests of the South	Impossible	Necessary and may be supported by social learning process and the countervailing power of civil society
Hierarchy single issue – GEO	Most unlikely	Unacceptable, if controlled by the developed countries	Possible, if controllable through voting rules	Necessary
Non-hierarchical focal point	Unlikely	Possible but skewed	Possible, but depending on how narrow the mandate is made	Necessary
Advisory body	Feasible	Feasible, but possibly	Feasible skewed	Feasible
Strengthening individual organisations	Unlikely, but feasible	Only likely for organisations that promote Northern interests	Feasible, if the spread of powers is similar	Feasible
Promoting common principles of law	Unlikely, possibly irrelevant	Feasible, but possibly focused on western principles	Feasible, but possibly irrelevant	Feasible and possibly necessary
Clustering of regimes	Unlikely	Feasible but possibly skewed against the developmental interests of the South	Issue-links possible; clustering and integration may be risky	A minimum first step towards better integration
Decentralised network organisation	Feasible	Feasible but will still lead to skewed results	Feasible	Feasible but very inadequate

power of states, this will affect the financial viability and power of all environmental regimes negatively. In the context of the rising power of civil society and NGOs, the impact depends on the effectiveness of civil society and the issues it chooses. The increasing power and consolidation of financial regimes will make financial regimes more successful than environmental regimes in achieving their own specific goals. The increasing autonomy of trade regimes and their own system of dispute resolution will lead to jurisprudence on environment and development from the perspective of the trade regimes' rules and regulations; making a similar system within the environmental and developmental world either unnecessary or contradictory. The increasing power of the private sector will ensure that they have a prominent role in addressing environmental problems and that they are given the freedom to decide how the most cost effective solutions can be reached. The trend of the increasing gap between North and South will lead to more emphasis being paid on the issues of the North. The increasing tension between environmental protection, poverty eradication and globalisation will become more and more pronounced.

## 5. Conclusions

This paper has argued that from an idealist supranationalist perspective, clearly the integrated nature of environmental and developmental problems calls for an integrated solution. Such an integrated solution possibly can be best promoted by an integrated interstate organisation that has power to also control the spontaneous globalisation processes. Such an integrated organisation at a high strategic level in the UN can possibly steer and guide the international processes in order to achieve sustainable development. And yet, however much, idealist supranationalists see this as necessary, it is likely to remain only a paper blue-print given that the majority of international relations schools of thought are likely to argue that this is extremely unlikely. This brings us to a range of alternative approaches that are less intrusive while aiming at improving the coordination and links between the different regimes. While in theory efforts to coordinate, consolidate and synthesise activities of the different UN bodies could possibly do the job just as effectively and at less cost than a hierarchical body, the historical experience shows that within the context of sovereign UN bodies efforts from outside to coordinate, consolidate and synthesise tend to fail unless such a body is made sufficiently strong that ignoring it is not an option for the existing UN bodies. But in strengthening such a body further, one comes very close to a hierarchical body within the UN system.

I would like to end this article by speculating a little bit about the future of global environmental governance. Given the nature of international society, it is more than likely that we will see multiple forums and multiple organisations pushing multiple means of promoting sustainable development. In other words, I believe that the institutional structure is likely to remain fragmented and com-

petitive, since by its very nature, sustainable development can be defined differently by different interest groups. In this dialectical process possibly the seeds of the solutions to the global environmental and developmental problems may be found. This means that unlike in the case of the World Trade Organization which rests on a strong ideological basis, there is no competing ideological basis that has come up with operational principles for dealing with environmental and developmental issues in such a manner that all issues related can be dealt with in one organisation.

This leads me to the following conclusion. Under the current political environment, environmental governance is likely to remain a combination of organizational endeavours, a network of interrelated regimes (clustered or otherwise), type II agreements between social actors and global conference diplomacy. The coordination to the extent that is possible could possibly be promoted by a high level, but small body in the UN hierarchy and by the progressive development of the law on sustainable development. The policy making in the different organisations, regimes and other alliances is likely to progress on the basis of international networking and possibly less on the basis of any hierarchical or bottom up policy process. The combined impact of all these different endeavours is difficult to predict. While it results from the unwillingness of states to hand authority on environmental and developmental issues in a politically and economically divided world to an international organisation, these multiple forces are likely to be uncontrollable and may take on a life of their own with a self-reinforcing dynamic.

Perhaps it would be appropriate to end with a few cautionary remarks. If sustainable development is merely a hollow concept without potential for operationalisation, or if it is a concept which merely provides existing development concepts with a new name, perhaps the time is not yet ripe for the development of a centralised institutional framework. To the extent that there is promise in sustainable development, it may not be achievable without a strong state.<sup>93</sup> Possibly the notion of a declining state is a myth not verifiable by data; some argue that it is precisely globalisation that calls for a strong state. The message that comes out for those developing countries seeking sustainable development is that only if they can prioritise governance structures domestically, is there likely to be any opportunity for them to participate and influence meaningfully international policymaking on sustainable development.<sup>94</sup>

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4. See, for example, DiCatri, F. de. (1998), 'The Interactive Chain of Globalisations: From the Economic to the Ecological One', in J. Theys, ed., *L'environnement au XXIe Siècle, Volume I: The Issues* (pp. 65–86). Paris: Germes.
5. The G-77 2000, note 2 above states: "We note with concern that the countries of the South have not been able to share in the benefits of globalisation on an equal footing with the developed countries and have been excluded from the benefits of this process. Asymmetries and imbalances have intensified in international economic relations, particularly with regard to international cooperation, even further widening the gap between the developing countries and the industrialised countries".
6. Reverend Leon Sullivan promoted the Sullivan Principles when he was a member of the Board of Directors of General Motors in 1977. These principles aimed at promoting social justice and contributing to the end of apartheid by calling for integrated workplaces, fair employment and affirmative action. Companies could submit a written commitment to these Principles and would have to report on their commitment and pay a fee. By 1984, 125 companies became signatories to this scheme and the code became an effective way to curb investments in South Africa and has influenced domestic politics. Although the effects are remarkable, critics argue that the code circumvents the recommended ban on trade and investment with the apartheid regime.
7. The Earth Charter is a document prepared by the Earth Charter Commission in March 2000, whose historical roots can be traced back to the Brundtland Commission's efforts to create a Charter. An NGO Earth Charter was promoted during UNCED, but the time was not ripe for such a Charter. In 1994, a new Earth Charter Initiative was established under Maurice Strong, then Chair of the Earth Council and Michael Gorbachev of Green Cross International. See [www.earthcharter.org](http://www.earthcharter.org).
8. The WSSD aims to have Type-I outcomes that are negotiated by governments and Type-II Partnership Initiatives which are not negotiated by governments but are agreements made by civil society, governments and business from North and South to promote sustainable development and which are then submitted to the Summit for registration. See for more details [www.johannesburgsummit.org/html/sustainable\\_dev/type2\\_part.html](http://www.johannesburgsummit.org/html/sustainable_dev/type2_part.html).
9. See [www.johannesburgsummit.org](http://www.johannesburgsummit.org).
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21. The neo-realists have refined the premises of realism, have defined the realist terms more elaborately and have developed hypotheses that can be tested. Neorealists look at systems and decisions (including leadership), interest and power, perception and reality, cooperation and conflict and see the international system as consisting of elements that interact but studies it on the basis of elements from the realist approach.
22. Rationalism in international relations theory is to be distinguished from rationalism in legal theory; in the latter the international order is seen as a crude analogy of the national system and there is an expectation that with progress the international system will move towards world government, see White, N. D. (1996), *The Law of International Organisations* (pp. 7–8). Manchester: Manchester University Press.
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  51. Gosovic (1992), note 45 above.
  52. ARR (African Regional Roundtable) (2001), Regional Roundtable for Africa for the 2002 World Summit on Sustainable Development Report, Cairo, 25–27 June 2001.
  53. Malmö Ministerial Declaration 2001, see note 1 above.
  54. UN A/Conf/198/ on Final Outcome of the International Conference on Financing for Development, adopted by acclamation at the Summit Segment of the International Conference on Financing for Development on 22 March 2002 in Monterrey, Mexico.
  55. Press Release from the European Union: EUs Commitments: Looking Beyond the Monterrey Consensus, 20 March 2002.
  56. Alan P. Larson (2002), Press Conference Transcript at the United Nations Conference on Financing for Development, Monterrey, Mexico.
  57. See Gosovic 1992, note 45 above; and Childers and Urquhart, note 32 above.
  58. Khosla, A. (2001), 'The Road from Rio to Johannesburg', *The Millenium Papers*, UNED Forum, Issue 5.
  59. The Global Environment Facility was established in 1991 by the World Bank, UNDP and UNEP.
  60. Childers and Urquhart, note 32.
  61. Formerland, J. (1996), 'UN Conferences: Media Events or Genuine Diplomacy?', *Global Governance* 2(3), 361–375; Barnett, M. and M. Finemore (1999), 'The Politics, Power and Pathologies of International Organisations', *International Organisations* 53(4), 699–732. Gallaroti, G. (1991), 'The Limits of International Organisations', *International Organization* 45(2), 183–220.
  62. Haas, P. M. (2002), see note 20 above.
  63. Annan (1997), *Renewing the United Nations: A Programme for Reform*. New York: UN. This document proposed redesigning the UN to consist of the Secretary General's office and General services, a development group (UNDP, UNICEF and UNFPA), humanitarian affairs (emergency relief, refugees and food), peace and security (political affairs, peacekeeping and disarmament) and economic and social issues including environment. Biermann, F. (2000),

- 'The Case for a World Environment Organisation', *Environment* 42(9), 22–32; Biermann clusters the approaches for organisational strengthening on environmental issues into three categories: the cooperation model, the centralisation model and the hierarchization model.
64. Meeting of Heads of State, Declaration of the Hague, 11 March 1989; *International Legal Materials* 28 (1989), 1308.
  65. Esty, D. C. (1994a), 'The Case for a Global Environmental Organisation', in P. B. Kenen, ed., *Managing the World Economy, Fifty Years After Bretton Woods* (pp. 287–309). Washington D.C.: Institute for International Economics. Palmer, G. (1992), 'New Ways to Make International Environmental Law', *American Journal of International Law* 86, 259–283.
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  68. Biermann (2002), 'Strengthening Green Global Governance in a Disparate World Society: Would a World Environment Organisation Benefit the South?', *International Environmental Agreement; Politics, Law and Economics*, this issue.
  69. Declaration of the Hague, 1989, note 64 above.
  70. Rio Declaration and Agenda 21. Report on the UN Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, UN doc. A/CONF.151/26/Rev.1 (Vols. 1-III),
  71. Resolution 3/2002 of the International Law Association: The New Delhi Declaration of Principles of International Law Relating to Sustainable Development.
  72. See Earth Charter, note 7 above.
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  76. Hertz, N. (2001), *The Silent Takeover: Global Capitalism and the Death of Democracy*. London: William Heinemann.
  77. Ottaway, M. (2001), 'Corporatism Goes Global: International Organisations, Nongovernmental Organization Networks, and Transnational Business', *Global Governance*, 7(3), 265–292.
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  79. See B. Cronin, (2002), 'The Two Faces of the United Nations: The Tension Between Inter-governmentalism and Transnationalism', *Global Governance* 8, 53–71, at 68.
  80. There are here some parallels with the argument in favour of a global constitution; see Allott, P., (2001), 'The Concept of International Law', *EJIL*, 1999, 10, pp. 31–50 at p.31.
  81. Agarwal et al. (1999), note 35 above, p. 369. G. K. Helleiner (2001), 'Markets, Politics and Globalisation: Can the Global Economy be Civilized?', *Global Governance* 7(3), 243–264.
  82. Biermann (2002), this issue, see note 68 above.
  83. Compare for example, the recommendations of Andresen, Steinar and Jorgen Wettstad (1992), 'International Resource Cooperation and the Greenhouse Problem', *Global Environmental Change, Human and Policy Dimensions* 2(4), 277–291; Benedick, R. E. (1993), 'Perspectives of a Negotiation Practitioner', in G. Sjostedt, ed., *International Environment Negotiation* (pp. 219–243). Laxenberg: IIASA; Braybrooke, D. and C. E. Lindblom (1963), *A Strategy of Decision: Policy Evaluation as a Social Process*. New York: The Free Press; Sebenius, J. K. (1993), 'The Law of the Sea Conference: Lessons for Negotiations to Control Global Warming', in G. Sjostedt, ed., *International Environment Negotiations* (pp. 189–216). Laxenberg: IIASA.

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90. See French (2002), note 19 above.
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92. See Marina Ottaway (2001), 'Corporatism Goes Global: International Organisations, Nongovernmental Organization Networks, and Transnational Business', *International Governance* **7**(3), 265–292 for a critique of global corporatism.
93. French 2002, note 19 above.
94. Agarwal et al. (1999) note 35 above; Banuri (1996), 'The South and the Governability of the Planet : A Question of Justice', in Jacques Theys ed., *The Environment in the 21st Century: The Issues*, Volume I, note 4 above, pp. 405–414.